

**2002 No. 208**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Medical Treatment Certificates)  
(Scotland) Regulations 2002**

*Made* 30th April 2002

*Laid before the Scottish Parliament* 3rd May 2002

*Coming into force* 1st July 2002

The Scottish Ministers, in exercise of the powers conferred by section 47(5) of the Adults with Incapacity (Scotland) Act 2000(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Adults with Incapacity (Medical Treatment Certificates) (Scotland) Regulations 2002 and come into force on 1st July 2002.

**Medical treatment certificates**

**2.** The certificate of a medical practitioner primarily responsible for the medical treatment of an adult for the purposes of section 47 of the Adults with Incapacity (Scotland) Act 2000 (authority of persons responsible for medical treatment) shall be in the form set out in the Schedule to these Regulations.

*HUGH HENRY*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
30th April 2002

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(a) 2000 asp 4. See section 87(1) for the definition of "prescribed" and section 86(1) as to power to make regulations.

SCHEDULE

Certificate of Incapacity under section 47 of the Adults with Incapacity (Scotland) Act 2000

I..... (name)  
of..... (address)  
being the medical practitioner primarily responsible for the medical treatment of  
..... (name)  
of.....  
..... (address)...../...../.....(date of birth)  
for whom the guardian/welfare attorney/person appointed by intervention order/nearest  
relative/carer is.....

have today examined the patient named above. I am of the opinion that he/she is incapable in  
terms of the Adults with Incapacity (Scotland) Act 2000 (“the Act”) because of  
..... (nature of incapacity)  
in relation to a decision about the following medical treatment .....

This incapacity is likely to continue for..... months. I therefore consider it appropriate for  
medical treatment to be authorised by this certificate until ...../...../.....  
(a date not more than one year later than the date of the examination on which this certificate is  
based) or until such earlier date as this certificate is revoked.

In assessing the capacity of the patient I have observed the principles set out in section 1 of the  
Act.

Signed .....Date ...../...../.....

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe, for the purposes of section 47 of the Adults with Incapacity (Scotland) Act 2000, the form of certificate of a medical practitioner primarily responsible for the medical treatment of an adult that that practitioner is of the opinion that the adult is incapable in relation to a decision about medical treatment. Medical treatment is defined in section 47(4) of the Act.

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